

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
<p>HERBERT CROOK, Receiver of Liberty Universal Insurance Co., Plaintiff,</p> <p>vs</p> <p>SAM BOOKMAN, an individual, d/b/a S. Bookman & Associates, & S. BOOKMAN & ASSOCIATES, INC., a corporation, defendants.</p>	<p>For plaintiff: Robert H. Green 235-1356 735 First Natl. Center West Oklahoma City, OK 73102</p> <p>Patrick H. Kernan Hugh D. Rice 735 First National Center Oklahoma City, OK 73102 235-1356</p> <p>For defendant: Leon Stine 583-7575 Conrad G. Kysiak (584-4222) 2601 Fourth National Bank Bldg. Tulsa 74119</p>

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 12/1/74	Clerk	11-11-74	4 R. Green	15 00	15 00
J.S. 6 mailed 10-1-76	Marshal	11-14-74	C/D #22		
Basis of Action: Breach of contract.	Docket fee				
	Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-11-74	1. Complaint, filed. Summons issued. k	
11-20-74	Summons, ret. & filed: Jerald Schuman, Service Agt. for S. Bookman & Associates, Inc., 11-14-74; served Sam Bookman, an individual, 11-19-74. (USM \$10.80)g	
11-27-74	2. Appl. of defs. for ext. of time to ans., filed. rm 076 9	
11-27-74	3. Request of pltf. for admission of genuineness of documents, filed. rm	
12-3-74	4. Order, filed, granting Sam Bookman, an indiv., d/b/a S. Bookman & Assoc. an addit. 15 days from date hereof to plead or answer. (LB-J)hm (copies mailed)	
12-12-74	5. Answer of Sam Bookman, an Individual, d/b/a S. Bookman & Assoc., filed.k	
1-8-75	6. Order transferring case to Judge Cook, filed. (LB-J) ds	
1-2-75	6. Application of deft., S. Bookman & Associates, Inc., to file ans. out of time, filed. lm (o to J)	
1-3-75	7. Interrogatories directed to defendants, filed. hm	
1-3-75	8. Interrogatories directed to defendants, filed. hm	
1-6-75	9. Order, filed, that deft. S. Bookman & Assoc, is allowed to file his ans. out of time. (LB-J)hm (copies mailed)	
1-6-75	10. Answer, filed, of S. Bookman & Assoc. lm	
1-7-75	11. Pltf's request for admission of fact, filed. g	
2-7-75	12. Pltf's motion under R. 37(d) to compel co-defts, Sam Bookman & S. Bookman & Assoc. to ans. pltf's interrog. or, alternatively, to enter default judgment in favor of pltf. against said defts. pursuant to Rule 37(b)(2)(c), filed. hm	
2-7-75	13. Brief in support of pltf's motion, filed. hm	
2-7-75	MO: Ordered that deft. file responsive brief within 10 days to pltf's motion under R. 37(d) to compel, etc. (HDC-J)hm	
2-13-75	14. Answer of Sam Bookman as Pres. of S. Bookman and Associates, filed. lm (to request for admission of fact)	
2-13-75	15. APPLICATION of deft., Sam Bookman, an individual, d/b/a S. Bookman & Associates and S. Bookman & Associates, Inc., filed. lm 076 9	
2-14-75	16. Order, filed, granting defs. an addl. 15 days from this date to ans. pltf. interrogatories, (HDC-J)rm - copies md	
2-20-75	17. Answer of defs. to pltf. mo/compel, filed. rm	
3-3-75	18. DEFTS ANSWERS to Pltf's Interrogatories, filed.jj	
3-5-75	MO: Ordered that the defts., having answered the interrogatories of pltf., the motion to compel, etc., is now moot. (HDC-J)hm (letter written counsel)	

CONTINUED

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-2-75	19. Appl. of Defts. for leave to amend pursuant to Rule 13(f) of FRCP, fld. v (p)	
4-2-75	20. Order, filed, allowing defs. Bookmans, to amend answer to include counterclaim. (HDC-J)rm - copies mailed	
4-3-75	21. Cross-complaint, filed by defts. Sam Bookman d/b/a S. Bookman & Associates, Inc. against Pltf. k	
4-18-75	22. Applic. of pltf. for ext. of time, filed. hm	
4-18-75	23. Order, filed, granting pltf. an addit. 15 days from date to reply or plead to counterclaim. (HDC-J)hm (copies mailed)	
5-2-75	24. Pltf's motion to dismiss (cross-complaint) under Rule 12(b)6, filed. hm	
5-2-75	25. Brief in support of pltf's motion to dismiss defts' cross-complaint pursuant to Rule 12(b)6, filed. hm	
5-2-75	MO: Ordered that defts. file responsive brief to pltf's motion to dismiss within 10 days. (HDC-J)hm	
5-13-75	26. Defts. Sam Bookman & S. Bookman & Associates, Inc.'s appl. for 20 days to reply to pltf's mot. to dismiss cross-compl., filed.k	otoJ
5-13-75	27. Order, filed, granting 20 days addl. time for def. to reply to pltf. mo/dismiss def.'s cross complaint. (HDC-J)rm-copies mailed	
6-4-75	28. APPLICATION to amend pltf's Complaint, filed. lm (o to J) ^{+ amended} complaint	
6-4-75	MO: Ordered that there being no objection given from deft. counsel, the applic. to amend pltf's complaint is hereby granted. (HDC-J)hm	
6-4-75	29. Order, filed, allowing filing of amended complaint. (HDC-J)hm (copies mailed)	
6-6-75	30. Amended complaint, filed. hm	
6-16-75	31. Application for Extension of Time by the Deft., Sam Bookman, filed. mm	owf
6-17-75	32. Order, filed, granting deft. Sam Bookman dba S. Bookman & Associates, etc. 10 days from this date to reply to pltf's mot. to dismiss cross-complaint. (HDC-J)g cpies mailed	
7-1-75	33. Defts' applic. for ext. of time, filed. hm	
7-1-75	34. Order, filed, granting defts. add'l. 7 days from this date to reply to pltf's m/to dismiss cross complaint. (HDC-J)g March	
7-3-75	35. ANSWER of defts. to pltf. amended complaint, w/ORDER granting leave to file out of time, filed. (HDC-J)rm-copies mailed	
7-8-75	36. Deft's Response to Pltf's Mtn. to Dismiss Under Rule 12(b)6, filed.jj	
7-10-75	37. Brief of def. in support of response to mo/dismiss, filed. rm	
7-14-75	38. Interrogatories directed to co-defendants, filed. g	
7-31-75	39. Entry of appearance of Patrick Kernan as atty. of record for pltf, filed.k	
7-31-75	40. Appl. of Robt. Green to w/draw as atty of record for pltf, filed.k	otoJ

DATE	PROCEEDINGS	Date Order or Judgment Note
7-31-75	#1. Order, filed, permitting Robert H. Green to withdraw as counsel for plaintiff. (HDC-J)g <i>mailed</i>	
8-12-75	42. Defts' Appli. for Ext of time of ten days to ans. pltf's interrogs. directed to Co-Defts., filed. lm (o to J)	
8-13-75	43. Motion for Summary Judgment of Herbert Crook, filed. mm	
8-13-75	44. Brief of Plaintiff, Herbert Crook, in Support of Motion for Summary Judgment, filed. mm	
8-13-75	MO: It is ordered by the Court that the defendant file a responsive brief within 10 days to the motion for summary judgment of Herbert Crook. (HDC-J) cps mld mm	
8-12-75	45. Order, filed, that Deft. Sam Bookman, etc., is granted 10 days from this date to answer Pltf.'s Interrogatories directed to co-defts. (HDC-J)v -cps mld	
8-25-75	46. Defts. Application for Extension of Time, filed. mm (O to J)	
8-25-75	47. Order, filed, that Deft. Sam Bookman, etc. has an additional 14 days to ans. pltf.'s interrogatories directed to co-defts. (HDC-J)v	
8-26-75	48. Defts' Application requesting Motion for Summary Judgment filed by the Plaintiff herein be set for oral argument on a date certain. mm O to J	
8-26-75	49. Deft's Brief in Response to Plaintiff's Motion for Summary Judgment, filed. mm	
8-27-75	50. Order, filed, setting mot. for S/J for oral argument on 9-19-75 at 9:30 a.m. (HDC-J)g c mld.	
9-8-75	51. Deft's Answer to Pltf's Interrogs., filed. lm	
9-16-75	52. Reply Brief of Herbert Crook, Statutory Receiver of the State Board of Insurance for the State of Texas, Plaintiff, filed. lm	
9-16-75	53. Appl. of defs. for Ct. to pass oral arguments on mo/SJ from 9/19/75 to 10/6/75 and for ext. of time to respond to pltf. reply brief, filed. rm	
9-16-75	54. Order, filed, that oral argument on pltf. mo/SJ is passed from 9/19/75 to 10/6/75 at 1 p.m., and that def. have until 9/30/75 to respond to pltf. reply brief. (HDC-J)rm-copies md.	
9-16-75	MO: Plfts motion to dismiss cross complaint and plfts motion for summary judgment be set for hearing on 10-6-75 at 1:00 PM. (HDC-J) notices mld mm	
9-30-75	55. Response to Reply Brief of Herbert Crook, Statutory Receiver of the State Board of Insurance for the State of Texas, Plaintiff, filed. mm	
10-6-75	MO: Hearing held on pltf's motion for S/J and to dismiss the cross-complaint. Parties represented. Statements made. Pltf's motion to dismiss cross-complaint sustained and pltf's motion for S/J (partial) is granted as to two items & Court states deft. is liable to receiver. Pltf. counsel to prepare formal order. (HDC-J)hm	
10-15-75	MO: Case set for PT hearing 1-6-76 at 10:30 a.m. (HDC-J)hm	
10-17-75	56. Order, filed, that pltf's mo/dismiss cross-complaint is sustained (cont.)	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
	and pltf's motion for S/J sustained in part/overruled in part. (HDC-J)hm (copies mailed)	
11-17-75	57. Brief of pltf. in support of his second motion for S/J, filed.hm	
11-17-75	MO: Ordered that deft. file resp. brief within 10 days to pltf's brief in support of second motion for S/J. (HDC-J)hm	
12-9	58. Pltf's second motion for S/J (brief heretofore filed 11-17-75), filed. hm	
12-9	59. Applic. of defts. for ext. of time to file brief in oppos. to motion for S/J, filed. hm	
12-11	60. Ordered that Defts. have an ext. of (10) days to file brf. in opposition to pltf's Mot for S/J.,filed. (HDC-J)tc cps. mld.	
12-29	61. Defts. Appl. for Ext. of Time, to file brf. in opposition to Pltf's Mot. for S/J,filed.tc 025	
12-29	62. Order, filed, that Deft. Sam Bookman, etc., is granted an additional 20 days from 12-22-75 to file brief in opposition to pltf.'s mot. for s/j. (HDC-J)v -cps. mld.	
1-5-76	63. Defts' applic. to continue PT conference, filed. hm	
1-6-76	64. Order, filed, granting defts' applic. to continue PT hearing. (HDC-J)hm (copies mailed)	
1-12-76	65. Defts' Brief in Resp. to Pltf's 2nd Mtn. for S/J, filed.jj	
1-15-76	66. Defts' application to set second motion for S/J for oral argument, filed. hm	
1-15	67. Order, filed, setting hearing onpltf's second motion for S/J for 2-3-76 at 9:30 a.m. (HDC-J)hm (copies mailed)	
1-26	68. Reply Brief of pltf, filed. g	
2-2	MO: Upon oral applic. of deft., hearing on second motion for S/J continued until 2-6-76 at 1:30 p.m. (HDC-J)hm	
2-6	MO: Hearing on Pltf's second mo. for S/J held. Statements made. Pltf's mo. is sustained. Court states the pltf. is entitled to recover earned & unearned portions of premiums & commissions & sets N/J trial on amount of damages as early as possible, unless deft. advises Ct. by 2-10-76 stip. can be entered into as to amt., Pltf. to prepare formal order by 2-11-76.(HDC-J)ph	
2-11	69. Bill of costs in the amt. of \$66.35, filed. Hearing before the Clerk set for 2-13-76 at 10:00 a.m. ph	
2-17	70. Motion to Re-Hear Defts. Mot. for S/J, fld. v	
2-17	71. Appl. of Defts. for Oral Argument in re Mot. to Re-Hear Mot. for S/J, fld. v (o)	
2-18	MO: Ordered that Pltf. is granted 10 days from this date to respond to Defts.' Motion to Re-Hear. (HDC-J)v	
2-19	72.Brf. in support of Motion to rehear,filed.t	
2-20	73. Suppl. documentation in support of def. mo/rehear,filed.rm	

(Over)

